IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.3537 OF 2005
IN
FIRST APPEAL NO.73 OF 2006

Nandkishor Vasant Jadhav ...Applicant
vs.
Smt.Jayashri Shankar Dhane
Shivaji Shankar Dhane
Dipika Shankar Dhane
Rupali shankar Dhane
Shantabai Pandurang Dhane ...Respondents.

Mr.Pratap Patil with Mr.K.V.Saste for the Applicant.
Mr.Uday Warunjikar for the respodent Nos.1 to 5.

CORAM: A.S.OKA, J.
DATE : MARCH 8,2007.

P.C.:

1. Heard Advocate for the Applicant and the Advocate for the Respondent Nos.1 to 5.

2. I have perused the notes of evidence and the impugned Judgment. Considering the facts and circumstances of the case, the Applicant will have to be directed to deposit a sum of Rs.2,50,000/- as a condition for grant of stay. Considering the age of the deceased, the finding recorded regarding income of the deceased, substantial amount will have to be permitted to be withdrawn by the claimants.

3. Hence, Civil Application is disposed of by passing the following order :

i) There will be interim relief in terms of prayer clause (a) subject to the Applicant depositing with the

concerned Tribunal a sum of Rs.2,50,000/- within a period of three months of today. If compliance is not made within time, interim stay will stand vacated without reference to the court. If compliance is made, the Tribunal will permit the first Respondent to withdraw a sum of Rs.75,000/- without security. The Tribunal will also permit the second and fifth Respondents to withdraw a sum of Rs.25,000/- each without security.

ii) The tribunal will invest the rest of the amount in fixed deposit in any nationalised bank initially for a period of three years and the fixed deposit shall be renewed on yearly basis till the final disposal of the Appeal. The Tribunal will permit the first Respondent to withdraw the interest accrued on the said amount on behalf of third and fourth Respondent on yearly basis till the said Respondents attain majority. When the said Respondents attain majority, they will be entitled to apply to this court for withdrawal of a reasonable amount.

iii) A sum of Rs.25,000/- deposited by the Applicant in this Court shall be transferred to the concerned Tribunal.

iv) There will be no order as to costs.

JUDGE